

111TH CONGRESS  
2D SESSION

# S. 3873

To provide for the establishment of a task force to address the environmental health and safety risks posed to children.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 2010

Ms. KLOBUCHAR (for herself and Mrs. BOXER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To provide for the establishment of a task force to address the environmental health and safety risks posed to children.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Children’s Environ-  
5       mental Health Protection Act”.

6       **SEC. 2. FINDINGS.**

7       Congress finds that—

8               (1) a growing body of scientific knowledge dem-  
9       onstrates that children may suffer disproportionately  
10      from environmental health risks and safety risks;

1 (2) those risks arise because—

2 (A) the neurological, immunological, diges-  
3 tive, and other bodily systems of children are  
4 still developing;

5 (B) children eat more food, drink more  
6 fluids, and breathe more air in proportion to  
7 their body weight than adults;

8 (C) the size and weight of children may di-  
9 minish their protection from standard safety  
10 features; and

11 (D) the behavior patterns of children may  
12 make children more susceptible to accidents be-  
13 cause children are less able to protect them-  
14 selves; and

15 (3) each Federal agency, to the extent per-  
16 mitted by law and appropriate, and consistent with  
17 the mission of each Federal agency, should—

18 (A) place a high priority on the identifica-  
19 tion and assessment of environmental health  
20 and safety risks that may disproportionately af-  
21 fect children, including where children live,  
22 learn, and play;

23 (B) ensure that the policies, programs, ac-  
24 tivities, and standards of the Federal agency  
25 address disproportionate risks to children that

1 result from environmental health or safety  
2 risks; and

3 (C) participate in the implementation of,  
4 and comply with, this Act.

5 **SEC. 3. DEFINITIONS.**

6 In this Act:

7 (1) ADMINISTRATOR.—The term “Adminis-  
8 trator” means the Administrator of the Environ-  
9 mental Protection Agency.

10 (2) DIRECTOR.—The term “Director” means  
11 the Director of the Office of Management and Budg-  
12 et.

13 (3) ENVIRONMENTAL HEALTH AND SAFETY  
14 RISK.—

15 (A) IN GENERAL.—The term “environ-  
16 mental health and safety risk” means an envi-  
17 ronmental risk to the health or safety of a child  
18 that is posed by or otherwise attributable to a  
19 substance—

20 (i) that the child is likely to ingest; or

21 (ii) to which the child may otherwise  
22 be exposed.

23 (B) INCLUSIONS.—The term “environ-  
24 mental health and safety risk” includes an envi-

1           ronmental risk that is posed by or otherwise at-  
2           tributable to—

3                   (i) air that is inhaled by, or that oth-  
4                   erwise comes into contact with, a child;

5                   (ii) water used by a child for drinking  
6                   or recreation;

7                   (iii) soil; and

8                   (iv) chemicals and other substances  
9                   with which a child may come into contact.

10           (4) FEDERAL AGENCY.—The term “Federal  
11           agency” means—

12                   (A) any department, agency, or other in-  
13                   strumentality of the Federal Government;

14                   (B) any independent agency or establish-  
15                   ment of the Federal Government (including any  
16                   Government corporation); and

17                   (C) the Government Printing Office.

18           (5) SECRETARY.—The term “Secretary” means  
19           the Secretary of Health and Human Services.

20           (6) TASK FORCE.—The term “Task Force”  
21           means the Task Force to Address Environmental  
22           Health and Safety Risks to Children established by  
23           section 4(a).

1 **SEC. 4. TASK FORCE TO ADDRESS ENVIRONMENTAL**  
2 **HEALTH AND SAFETY RISKS TO CHILDREN.**

3 (a) ESTABLISHMENT.—The Administrator, in con-  
4 sultation with the Secretary, shall establish a task force  
5 to be known as the “Task Force to Address Environ-  
6 mental Health and Safety Risks to Children”.

7 (b) AUTHORITY.—The Task Force shall report to the  
8 President, in consultation with—

9 (1) the Domestic Policy Council;

10 (2) the National Science and Technology Coun-  
11 cil;

12 (3) the Council on Environmental Quality; and

13 (4) the Office of Management and Budget.

14 (c) MEMBERSHIP.—The Task Force shall be com-  
15 posed of—

16 (1) the Administrator of the Environmental  
17 Protection Agency, who shall serve as a Co-Chair-  
18 person of the Task Force;

19 (2) the Secretary of Health and Human Serv-  
20 ices, who shall serve as Co-Chairperson of the Task  
21 Force;

22 (3) the Secretary of Education;

23 (4) the Secretary of Labor;

24 (5) the Attorney General;

25 (6) the Secretary of Energy;

1           (7) the Secretary of Housing and Urban Devel-  
2       opment;

3           (8) the Secretary of Agriculture;

4           (9) the Secretary of Transportation;

5           (10) the Secretary of Homeland Security;

6           (11) the Director;

7           (12) the Chairperson of the Council on Envi-  
8       ronmental Quality;

9           (13) the Chairperson of the Consumer Product  
10      Safety Commission;

11          (14) the Assistant to the President for Eco-  
12      nomic Policy;

13          (15) the Assistant to the President for Domes-  
14      tic Policy;

15          (16) the Assistant to the President for, and Di-  
16      rector of the Office of, Science and Technology Pol-  
17      icy;

18          (17) the Chairperson of the Council of Eco-  
19      nomic Advisers; and

20          (18) such other officials of Federal agencies as  
21      the Administrator and the Secretary may, from time  
22      to time, designate.

23      (d) DELEGATION.—A member of the Task Force may  
24      delegate the responsibilities of the member under this Act  
25      to 1 or more subordinates.

1 (e) DUTIES.—The Administrator, in consultation  
2 with the Secretary as a co-chair of the Task Force, shall,  
3 after providing notice and an opportunity for public par-  
4 ticipation and comment and, if determined to be appro-  
5 priate by the Administrator and the Secretary, using a  
6 consensus-based approach—

7 (1) recommend to the President Federal strate-  
8 gies to improve children’s environmental health and  
9 safety, including—

10 (A) statements of principles, general pol-  
11 icy, and targeted annual priorities to guide the  
12 Federal approach to complying with this Act;

13 (B) a coordinated research agenda for the  
14 Federal Government, including steps to imple-  
15 ment the review of research databases described  
16 in paragraph (2)(A);

17 (C) recommendations for appropriate part-  
18 nerships among the Federal Government, State,  
19 local, and tribal governments, and the private,  
20 academic, and nonprofit sectors;

21 (D) proposals to enhance public outreach  
22 and communication to assist families in evalu-  
23 ating risks to children (including where children  
24 live, learn, and play) and in making informed  
25 consumer choices;

1           (E) an identification of high-priority initia-  
2           tives that the Federal Government has under-  
3           taken or will undertake in advancing the protec-  
4           tion of children’s environmental health and  
5           safety;

6           (F) a statement regarding the desirability  
7           of new legislation to advance the protection of  
8           children’s environmental health and safety; and

9           (G) other proposals to enhance the health  
10          and safety protection of children by Federal  
11          and State governments and by communities and  
12          families;

13          (2) not later than 180 days after the date of  
14          enactment of this Act, develop or direct to be devel-  
15          oped—

16                (A) a review of existing and planned data  
17                resources; and

18                (B) a proposed plan, which shall be re-  
19                viewed by the Administrator and the Secretary,  
20                and other Federal agencies as the Adminis-  
21                trator and the Secretary consider appropriate,  
22                and which shall be made available for public  
23                comment for a period of not less than 30  
24                days—



1 (i) for use in ensuring that research-  
2 ers and Federal research agencies have ac-  
3 cess to information on all research con-  
4 ducted or funded by the Federal Govern-  
5 ment that relates to adverse health risks in  
6 children resulting from exposure to envi-  
7 ronmental health and safety risks; and

8 (ii) that—

9 (I) promotes the sharing of infor-  
10 mation on academic and private re-  
11 search; and

12 (II) includes recommendations to  
13 encourage that such data, to the ex-  
14 tent permitted by law, is available to  
15 the public, the scientific and academic  
16 communities, and all Federal agen-  
17 cies; and

18 (3) submit to Congress (including the Com-  
19 mittee on Environment and Public Works of the  
20 Senate and the Committee on Energy and Com-  
21 merce of the House of Representatives) and the  
22 President, make available to the public, and provide  
23 to the Office of Science and Technology Policy and  
24 the National Science and Technology Council for use  
25 in establishing research priorities, a biennial report

1 on research, data, or other information that would  
2 enhance understanding and analysis of, and response  
3 to, environmental health and safety risks, includ-  
4 ing—

5 (A) a description provided by Federal  
6 agencies and other agencies identified by the  
7 Task Force of key data needs relating to envi-  
8 ronmental health and safety risks that have  
9 arisen in the course of carrying out projects  
10 and activities of the Federal agencies; and

11 (B) a description of the accomplishments  
12 of the Task Force.

13 **SEC. 5. ADMINISTRATION.**

14 (a) **IN GENERAL.**—This Act applies only to the Exec-  
15 utive branch.

16 (b) **EFFECT OF ACT.**—This Act does not create or  
17 establish any substantive or procedural right, benefit, or  
18 trust responsibility, enforceable at law or equity, by a  
19 party against the United States (including any agency, of-  
20 ficer, or employee of the United States).

21 (c) **JUDICIAL REVIEW.**—This Act does not create or  
22 establish any right to judicial review involving the compli-  
23 ance or noncompliance with this Act by—

24 (1) the United States (including any agency, of-  
25 ficer, or employee of the United States); or

1 (2) any other person.

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